



Legislative Bulletin.....June 14, 2007

Contents:

H.R. 2638—PART IV—Amendments to the Department of Homeland Security Appropriations Act, 2008

H.R. 2638, the Department of Homeland Security Appropriations Act, 2008 (sponsored by Rep. David Price, D-NC), is being considered on the House floor today, June 14, 2007, under an open rule (H.Res. 473), making in order any germane amendment under the five-minute rule. The rule allows one motion to recommit with or without instructions.

The rule waives all points of order against consideration of the bill, except those regarding PAYGO and earmarks and allows the Chair to postpone consideration of the legislation at any time during its consideration. The rule also waives the no-authorizing-on-appropriations point of order against provisions in the underlying bill.

Note: The summaries below are based on RSC staff's review of *actual amendment text*, when available. For a summary of the underlying bill, of the other amendments pre-filed in the Congressional Record, or of other amendments not pre-filed in the Congressional Record, see separate RSC documents already released throughout this week.

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Amendments Pre-Filed in the Congressional Record

NOTE: not all of these amendments will necessarily be offered, and some may have already been offered by the time you read this document.

95. Tancredo (R-CO). Prohibits funds from being used to administer any extension of designation made under section 244(b) of the Immigration and Nationality Act (the temporary protective status—TPS—program) with respect to Honduras or Nicaragua. Congress has granted the Secretary of Homeland Security the authority to grant temporary refuge to aliens, usually illegal immigrants, from particular countries under “temporary protected status”. DHS can grant TPS status to the nationals of a country for as long as 18 months.

96. Deal (R-GA). Prohibits funds from being used to destroy or put to pasture any horse or mule belonging to the United States that has become unfit for service.

97. Jindal (R-LA). Increases funds for disaster relief by \$5 million and reduces funds for FEMA management by \$5 million.

98. McCaul (R-TX). Strikes this provision in the underlying bill: “*Provided further*, That none of the funds under this heading may be obligated for procurement of additional unmanned aerial systems until the Commissioner of United States Customs and Border Protection certifies to the Committees on Appropriations of the Senate and House of Representatives that they are of higher priority and more cost effective than other items included in the Air and Marine Strategic Recapitalization and Modernization plan.”

99. McCaul (R-TX). Strikes Section 531 that prohibits implementation of MAX-HR. MAX-HR would allow DHS flexibility in personnel matters, such as transferring workers to areas where they may be needed during a national emergency.

100. Shuster (R-PA). Prohibits \$1,000,000 from being obligated for transportation security support, until the Secretary submits to the Committees on Appropriations of the House and Senate a report studying the feasibility of a program to check passenger manifests of international flights that over-fly the territory of the United States against terrorist watch lists.

101. Reichert (R-WA). Increases funds for DHS Analysis and Operations by \$10 million, decreases funds for the Under Secretary for Management by \$3 million, decreases funds for the Office of the Secretary by \$1 million, and decreases funds for border security enforcement by \$6 million.

102. Dent (R-PA). Reserves \$853.7 million of the \$1.4 billion for the Secret Service for protective missions.

103. King (R-IA). Reduces and then increases funds for Immigration and Customs Enforcement’s immigration enforcement by \$4.1 million.

104. King (R-IA). Reduces and then increases funds for Customs and Border Protection’s immigration enforcement by \$1 million.

105. King (R-IA). Reduces and then increases funds for Immigration and Customs Enforcement’s immigration enforcement by \$5 million.

106. Souder (R-IN). Conditions that, of the \$477.3 million made available for Air and Marine Interdictions, Operations, Maintenance, and Procurement, \$100 million could not be obligated until Congress receives a report detailing the number of requests United States Customs and Border Protection receives for use of air and marine assets by United States Immigration and Customs Enforcement and other federal, state, and local agencies and the number of such requests that are denied.

107. Souder (R-IN). Reduces by \$21.5 million: Coast Guard operating expenses
Reduces by \$8 million: Alteration of bridges (Out of \$16 million)
Increases by \$29.5 million: Aircraft used in the Integrated Deepwater Systems Program

108. Souder (R-IN). Prohibits funds from being used to administer or advertise any DHS policy to provide lawful status to aliens unlawfully present in the United States under any provision of law not in effect on the date of the enactment of this Act.

109. Gallegly (R-CA). Prohibits funds from being used to pay a federal contractor who is not participating in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act (the free, nationwide system that employers can use to confirm the eligibility of newly hired employees).

110. Deal (R-GA). Prohibits funds from being used to provide assistance to any state or local government which has notified DHS of its failure or refusal, in contravention of federal law, to assist in the enforcement of federal immigration laws.

111. Blackburn (R-TN). Increases funds for border fencing by \$1.7 billion (to a total of \$2.7 billion) and reduces funds for the Transportation Security Administration by \$200 million, for port security grants by \$150 million, for intercity rail passenger transportation by \$200 million, and disaster relief by \$1.1 billion. Reserves specific amounts of funding for various portions of a southwest border fence. Softens the requirement that every effort be made to minimize impacts of building the security fence on natural resources and wildlife..

112. Buyer (R-IN). Increases by \$15.7 million: immigration enforcement
Reduces by \$15.7 million: the Flood Map Modernization Fund (out of \$230 million)

113. LaTourette (R-OH). Prohibits funds from being used to implement any plan developed under section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) before June 1, 2009. The current deadline for implementing this plan, which is a plan for passport or other requirements for identity into the United States in cases of individuals for whom documentation requirements have previously been waived, is June 1, 2008.

114. Kuhl (R-NY). Provides that, when DHS studies the impact of the plan described in amendment 113 above, the Comptroller General of the United States and the Secretary of Homeland Security also study the potentially adverse economic impact of the requirement for land and sea travelers of the Western Hemisphere Travel Implementation Act (WHTI) upon businesses in neighboring regions.

115. Kuhl (R-NY). Provides that, when DHS studies the impact of the plan described in amendment 113 above, the Comptroller General of the United States and the Secretary of Homeland Security also study security at the Northern Border, the ability of United States Customs and Border Protection to identify and stop all potential threats from crossing the Northern Border, all breaches of security and the reason for such breaches since 2005, and recommendations on how and what must be done to improve United States Customs and Border Protection and security at the Northern border.

116. Miller (R-MI). Increases from 80% to 95% the pass-through rates to localities required for law enforcement anti-terrorism grants and high-threat high-density urban area grants.

117. Capito (R-WV). Reduces by \$50 million: Office of the Under Secretary for Management
Increases by \$50 million: Border fencing

118. King (R-NY). Reduces by \$35 million: Emergency Management Performance Grants
Reduces by \$5 million: Coast Guard--Research, Development, Test, and Evaluation
Increases by \$40 million: Domestic Nuclear Detection Office--Systems Acquisition

119. Jackson-Lee (D-TX). Reduces by \$5 million: Office of the Chief Information Officer
Increases by \$5 million: FEMA management and administration

120. McHenry (R-NC). Provides that no more than \$30 million of the funds for law enforcement terrorism prevention grants be available for Operation Stonegarden. Operation Stonegarden is an initiative along the southwest border that coordinates federal official with state and local law enforcement with a focus on human trafficking across the southern border.

121. McHenry (R-NC). Reserves \$30 million of the \$4.14 billion for immigration enforcement for the program under section 287(g) of the Immigration and Nationality Act (the program allowing state and local officials to perform immigration functions in conjunction with the federal government).

122. McHenry (R-NC). Prohibits funds from being used to provide an immigration benefit to an alien who is unlawfully present in the United States. "Immigration benefit includes, among other benefits, immigrant and nonimmigrant visas, adjustment of status, change of nonimmigrant classification, employment authorization, and admission into the United States (as such terms are used or defined in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.))."

123. McHenry (R-NC). Increases by \$17 million: Office of the Chief Financial Officer, IT acquisition
Reduces by \$17 million: FEMA management

124. McHenry (R-NC). Reduces by \$30 million the funds for the Under Secretary for Management and increases by \$30 million the funds for citizenship and immigration services research and training.

125. McHenry (R-NC). Increases by \$30 million: citizenship and immigration services
Reduces by \$34 million: Office of the Under Secretary for Management

126. Cantor (R-VA). Clarifies that "None of the funds appropriated in this Act may be obligated for a grant or contract awarded by a means other than full and open competition, other than a grant distributed by a formula or other mechanism that is required by statute **(except a mechanism included in this Act)**." (emphasized text added by the Cantor amendment to the otherwise existing language in the underlying bill).

127. Cantor (R-VA). States that “the term ‘other mechanism that is required by statute’ does not include any provision of this Act that specifies by name or specific physical location the intended recipient of a grant or contract.” (See amendment 126 above.)

128. Pearce (R-NM). Increases by \$125 million: immigration enforcement
Reduces by \$125 million: checked baggage explosives detection

129. Pearce (R-NM). Prohibits funds from being used to used to fill positions within the Transportation Security Agency until the number of Customs and Border Patrol agents has reached the congressionally authorized level.

130. Pearce (R-NM). Prohibits funds from being used, “either directly or indirectly, for projects or activities occurring on land obtained after June 23, 2005, through eminent domain by a State, unit of local government, or the Federal government, unless the owner of the land was paid an amount as just compensation that was triple the value of the land as appraised by an independent licensed appraiser or real estate agent at either the time that the land was condemned or the time that the land was obtained, whichever is higher.”

131. Royce (R-CA)/ Blackburn (R-TN)/ Hunter (R-CA)/ Franks (R-AZ)/ King (R-IA). Strikes the conditions in the underlying bill for the release of \$700 million of the \$1 billion for border fencing.

Amendments NOT Pre-Filed in the Congressional Record

Price (R-GA). Prohibits funds from being used to grant TSA airport screeners the right to collective bargaining.

Price (R-GA). Prohibits funds from being used for Congressional earmarks.

Stearns (R-FL). Transfers \$1.2 million from the Chief Administrative Officer’s salaries and expenses to the Federal Law Enforcement Training Center.

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